

**Congress of the United States**  
**Washington, DC 20515**

October 05, 2020

The Honorable Frank LaRose  
Secretary Of State  
22 North Fourth Street, 16th Floor  
Columbus, Ohio 43215

Dear Secretary LaRose:

We are deeply troubled by your deliberately deceptive directive released today with the headline “LaRose Issues Directive on Additional Options to Return Absentee Ballots.”<sup>1</sup> While this directive is clearly intended to lead Ohioans to think that you will now allow additional drop boxes to be located throughout each county, in reality, it does nothing of the sort. Allowing a second drop box to be located right next to the one currently in place at county Boards of Elections is a naked attempt to provide yourself with political cover, in response to the growing calls you face from around the state to permit multiple drop boxes throughout each county. While you may have achieved the talking point that you “allowed multiple drop boxes per county,” your policy does nothing to make it easier for Ohioans to cast their ballot.

We wrote to you a month and a half ago urging you to permit multiple secure ballot drop boxes in each of Ohio’s 88 counties and explaining your clear legal authority to do so. Instead of heeding our advice in the spirit of helping all Ohioans access the ballot box, you responded saying that you were “unaware” of any law allowing additional drop boxes and sarcastically asked that if we were “aware of any such provision, [to] please let [you] know at [our] earliest convenience.” This is not a game. Now that three courts, state and federal, have agreed that the plain meaning of the law<sup>2</sup> allows for the installation of multiple drop boxes, we are writing to let you know of these court findings. Therefore we urge you to be true to your word and immediately allow multiple secure ballot boxes dispersed throughout each county.

When asked about the availability of multiple drop boxes you replied “I have been 100% clear on this I want more drop boxes! I would love to see more drop boxes! ...To me it’s clear though I have no legal authority to do that and it will just result in litigation and confusion.”<sup>3</sup> Now that three Courts have agreed, there is no longer confusion and there is no need for further litigation unless you decide to appeal. First, Judge Frye of the Franklin County Court of Common Pleas called your decision to limit drop boxes “arbitrary and unreasonable”.<sup>4</sup> Then Judge Polster, a federal judge from the Northern District Ohio, told you “nothing in state law prohibits off-site

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<sup>1</sup>Secretary of State’s Directive 2020-22.

<sup>2</sup> Ohio Rev. Code § 3509.05

<sup>3</sup> Tierney Sneed, *Why Has Ohio’s Top Election Official Changed His Tune On Ballot Dropboxes?*, Talking Points Memo, September 16, 2020, <https://talkingpointsmemo.com/news/why-has-ohios-top-election-official-changed-his-tune-on-ballot-dropboxes> (last visited Sep 17, 2020).

<sup>4</sup> Ohio Democratic Party vs. Frank LaRose, Case No. 20CV-5634 (Franklin County Court of Common Pleas, September 15, 2020).

drop boxes.”<sup>5</sup> Finally, on Friday, Ohio’s Tenth District Court of Appeals told you that “If...the Secretary wants to permit additional drop boxes, he has the authority to do so and nothing in this decision prohibits him.”<sup>6</sup>

You have wasted a month and a half of precious time and taxpayer resources defending an incorrect legal interpretation. The clock is ticking, and Election Day is less than a month away. We ask that you immediately rescind Directive 2020-16 and replace it with a directive which allows county boards of elections to provide additional secure ballot boxes. County boards of elections, not bureaucrats in Columbus, know best the number and locations of secure ballot boxes needed to support their communities. Finally, we would be remiss if we failed to mention that Ohio’s Sheet Metal Workers have graciously offered to build drop boxes at no cost to the State, removing all monetary barriers that might have existed. We thank you for your prompt attention to and resolution of this urgent matter.

Sincerely,



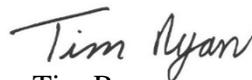
Sherrod Brown  
United States Senator



Marcy Kaptur  
Member of Congress



Marcia L. Fudge  
Member of Congress



Tim Ryan  
Member of Congress



Joyce Beatty  
Member of Congress

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<sup>5</sup> A. Philip Randolph Institute, of Ohio v. Larose, 2020 WL 5524842 (N.D. Ohio, 2020).

<sup>6</sup> Ohio Democratic Party, v. Frank LaRose, 2020 WL 5874872 (Ohio App. 10 Dist., 2020).